

CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE
ON DISARMAMENT

ENDC/PV.418
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COLLECTION

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND EIGHTEENTH MEETING

held at the Palais des Nations, Geneva,
on Thursday, 10 July 1969, at 10.30 a.m.

Chairman:

Mr. K. ASAKAI

(Japan)

GE.69-15713

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PRESENT AT THE TABLE

Brazil:

Mr. S.A. FRAZAO
Mr. C.A. de SOUZA e SILVA
Mr. L.F. PALMEIRA LAMPREIA

Bulgaria:

Mr. K. CHRISTOV
Mr. M. KARASSIMEONOV
Mr. I. PEINIRDJIEV

Burma:

U KYAW MIN

Canada:

Mr. G. IGNATIEFF
Mr. R.W. CLARK
Mr. J.R. MORDEN

Czechoslovakia:

Mr. T. LAHODA
Mr. J. STRUCKA
Mr. J. CINGROS

Ethiopia:

Mr. G. ALULA

India:

Mr. M.A. HUSAIN
Mr. N. KRISHNAN
Mr. K.P. JAIN

Italy:

Mr. R. CARACCIOLO
Mr. F. LUCIOLI OTTIERI
Mr. R. BORSARELLI
Mr. U. PESTALOZZA

Japan:

Mr. K. ASAKAI
Mr. Y. NAKAYAMA
Mr. T. SENGOKU
Mr. J. SAKAMOTO

Mexico:

Mr. J. CASTANEDA
Miss E. AGUIRRE
Mr. H. CARDENAS RODRIGUEZ
Mr. R. VALERO

Mongolia:

Mr. M. DUGERSUREN

Mr. J. BANZAR

Mr. Z. ERENDUO

Mr. S. ADIKHOU

Nigeria:

Mr. C.O. HOLLIST

Mr. L.A. MALIKI

Poland:

Mr. H. JAROSZEK

Mr. A. SKOWRONSKI

Mr. H. STEPOSZ

Mr. R. WLAZLO

Romania:

Mr. N. ECOBESCO

Mr. O. IONESCO

Mr. C. GEORGESCO

Mr. A. SASU

Sweden:

Mr. A. EDELSTAM

Mr. O. DAHLEN

Mr. R. BOMAN

Union of Soviet Socialist
Republics:

Mr. A.A. ROSHCHIN

Mr. R.M. TIMERBAEV

Mr. V.V. SHOUSTOV

Mr. V.B. TOULINOV

United Arab Republic:

Mr. H. KHALLAF

Mr. O. SIRRY

Mr. E.S. EL REEDY

United Kingdom:

Mr. F. MULLEY

Lord CARADON

Mr. I.F. PORTER

Mr. A.C. HOPE-JONES

United States of America:

Mr. J.F. LEONARD

Mr. A.F. NEIDLE

Mr. W. GIVAN

Mr. R. McCORMACK

Special Representative of the
Secretary-General:

Mr. D. PROTITCH

Deputy Special Representative of the
Secretary-General:

Mr. W. EPSTEIN

1. The CHAIRMAN (Japan): I declare open the 418th plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.
2. Before giving the floor to the representative of the United Kingdom I should like, as Chairman, to note the presence of Lord Caradon, Minister of State, in the seats of the United Kingdom delegation.
3. Mr. MULLEY (United Kingdom): I regret that commitments in London prevented me from being here on the opening day of this session. I should however like now, on behalf of my delegation, to extend a cordial welcome to the two new delegations which have joined our Committee: the delegation of Japan led by yourself, Mr. Chairman, and the delegation of the Mongolian People's Republic led by Ambassador Dugersuren.
4. My delegation has for long been aware of the keen interest taken by Japan in our proceedings, and we are confident that the Japanese delegation will make a valuable contribution towards the solution of the problems with which we deal. We welcome the fact that the Mongolian People's Republic has now joined us, and look forward to the participation of its delegation in our work here. We are grateful to both of our new colleagues for their thoughtful and stimulating statements at our opening meeting last week (ENDC/PV.416).
5. The composition of this Committee has remained unchanged since its creation seven years ago and the decision to enlarge it is therefore of historic importance. My delegation hopes that the co-Chairmen will soon be in a position to put to us the results of their efforts to reach agreement on other countries whose accession would give our Committee geographical and political balance.
6. I should also like to take this opportunity to welcome Mr. James Leonard, whom we saw here in May and who is at present leading the United States delegation. My delegation looks forward very much to working with him.
7. I am sure that we can say that in its last session the Committee did a great deal of very useful work on a number of subjects. In addition, I feel that the experiment we made in our proceedings was justified, and I hope we can retain this flexibility in our approach to our problems. Our task in the present session is to build on the foundations we then laid and so to provide the General Assembly with the essential basic material which the First Committee will need for constructive debates in the autumn. I hope that in this session we shall be able to make further progress towards a comprehensive test ban treaty. I hope also that the strategic arms limitation talks between the United States and the Soviet Union will soon begin and that every effort

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will be made to reach fruitful conclusions. I trust that in the next weeks we shall be able to reach agreement on a draft treaty on arms control on the sea-bed to present to the General Assembly. The United States and Soviet drafts (ENDC/249; ENDC/240) may seem a long way apart at the moment, but I am sure that there is the possibility of fruitful negotiations and I am confident that the United Kingdom delegation will be able to make a constructive contribution to such negotiations.

8. First I hope that the Committee will also have time to give serious and detailed consideration to the whole question of chemical and biological warfare. We now have the Secretary-General's report on chemical and bacteriological (biological) weapons and the effects of their possible use (A/7575). We are deeply indebted to him and to his consultant experts who have drafted this report for the hard work they have put into producing it in time for us to consider it at this session. They are to be greatly congratulated on meeting the exacting time-table set for their work, as well as on the contents of their report. I should like also to express appreciation to Mr. Epstein, who acted as Chairman, and to all the United Nations staff who contributed to this outstanding achievement. The report is a comprehensive document which will be of the greatest possible value to us, and I trust that it will be given wide publicity in all countries. We can best repay our debt by making full use of the report to work out positive and realistic proposals for action in this field for consideration by the General Assembly at its next session.

9. We need more time to study the report in detail, but I am sure that we have all taken note of and share the hope expressed by the authors in their conclusion that --

"... this report will contribute to public awareness of the profoundly dangerous results if these weapons were ever used, and that an aroused public will demand and receive assurances that governments are working for the earliest effective elimination of chemical and bacteriological (biological) weapons".

(ibid., para. 377)

This lays a particular responsibility on this Committee to put proposals for action before the next session of the General Assembly. Naturally the experts themselves have not made any recommendations for positive action; that would have been outside their terms of reference. But the Secretary-General has made some recommendations of his own in his important foreword to the report (ibid., p. xii), and it is these that I should like to take as my starting point.

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10. The Secretary-General's first recommendation is that the Members of the United Nations should renew the appeal to all States to accede to the Geneva Protocol of 1925. This recommendation has the whole-hearted support of Her Majesty's Government. Time and time again I have stressed in this Committee and elsewhere that we attach the greatest possible importance to the Geneva Protocol. A tremendous step forward will have been taken if as a result of this report all States adhere to the Protocol.

11. But it is just because we attach such importance to the Geneva Protocol that I must admit to having some reservations about the Secretary-General's second recommendation -- that the Members of the United Nations make a clear affirmation that the prohibition contained in the Geneva Protocol applies to the use in war of all chemical, bacteriological and biological agents, including tear gas and other harassing agents, which now exist or which may be developed in the future. At present only about half the Members of the United Nations are parties to the Geneva Protocol. It seems to us that it is for the parties to the Protocol, and for them alone, to say what the Protocol means.

12. Moreover, the Secretary-General interprets the Protocol as covering both lethal and non-lethal chemical agents. I fear that it may be difficult to secure the unanimous agreement of all the parties to the Protocol that this is in fact what the Protocol means, and even more difficult to secure the unanimous agreement of all Members of the United Nations. Is it not all too possible that an attempt to secure an affirmation of the kind envisaged by the Secretary-General would fail? And, if this proved to be the case, might not our failure to agree throw doubt on the continued validity of the Protocol? It is because of these considerations, together with the Secretary-General's third recommendation, that I have proposed that the Protocol be reinforced by a new instrument or instruments.

13. I feel sure that there will be general support for the objective indicated by the Secretary-General in his third recommendation, and that we should all like

"... to halt the development, production and stockpiling of all chemical and bacteriological (biological) agents for purposes of war and to achieve their effective elimination from the arsenal of weapons." (*ibid.*)

That must be our goal. But what is the best means of achieving it? It is my conviction that, if we try to tackle biological and chemical methods of warfare simultaneously, far from making progress on both fronts we shall not make the rapid progress that we want and, I am sure, the whole world wants. As I have explained

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on previous occasions, our view is that chemical weapons pose a more difficult problem than biological weapons, and that therefore the right course is to make a start by banning not merely the use but the actual production and possession of biological weapons. I shall not repeat the arguments now, but there are two points I should like to make.

14. My first point is that, although the Secretary-General's report deals with both biological and chemical weapons, it brings out clearly the difference between the two. I would direct attention to paragraphs 21 to 31 of the report, which deal with the differences as regards the potential toxicity, speed of action, duration of effect, specificity, controllability and residual effects. The report shows that, weight for weight, biological agents are of potentially much greater contaminating power, are much more difficult to control in action and are more unpredictable in effect than are chemical agents.

15. May I also draw attention to table 4 on page 57? This table gives comparative estimates of the disabling effects of hypothetical attacks on totally unprotected populations using a nuclear, chemical or biological weapon that could be carried by a single **strategic** bomber. The area affected by a nuclear weapon would be up to 300 square kilometres; for a chemical weapon the area affected would be up to 60 square kilometres; but for a bacteriological (biological) weapon the figure is of a different order -- up to 100,000 square kilometres. It is clear from this that chemical weapons can be used with a certain amount of precision, but that in the nature of things biological weapons are totally indiscriminate. This in itself seems to me to be a good reason why we should try to tackle biological weapons first.

16. The second point I should like to make is that, though we think the best course is to tackle biological weapons first, that does not mean that we are prepared to accept the present position with regard to chemical weapons without trying to do anything about it. We are not. Our draft text of a convention prohibiting biological methods of warfare (ENDC/255) -- which I beg leave to submit formally today -- includes an article (article V) under which each of the parties would undertake to pursue negotiations in good faith on effective measures to strengthen the existing constraints on the use of chemical methods of warfare. Just as in the negotiations on the non-proliferation Treaty (ENDC/226*) it was generally agreed that

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we should tackle the horizontal proliferation of nuclear weapons first but commit ourselves absolutely to make progress on vertical proliferation as well, so in the field of chemical and biological warfare we think that the right course is to conclude a convention on biological warfare now, but commit ourselves absolutely to the goal of taking comparable measures with regard to chemical warfare.

17. I should like now to take the Committee rapidly through the texts I have submitted. As will be seen, they consist of a draft convention and a draft Security Council resolution. Such a resolution is essential, if only because an important role is envisaged for the United Nations Secretary-General in the investigation of complaints, and the convention cannot impose obligations on the Secretary-General. The convention and the resolution are therefore complementary and form an integral whole.

18. I have already mentioned the importance we attach to the Geneva Protocol, and the first point to which I would draw attention is that four of the preambular paragraphs are directly concerned with the Protocol. I hope that these paragraphs, taken in conjunction with article VI, will finally remove any doubt that, far from undermining the Protocol, our convention will effectively reinforce it. The rest of the preamble is, I think, self-explanatory. The basis of what we are seeking to do is expressed in the fourth paragraph: "Believing that chemical and biological discoveries should be used only for the betterment of human life".

19. Article I has a dual purpose. It contains the central prohibition on the use of biological methods of warfare, and it defines what is meant by that term. The convention is, of course, aimed primarily at prohibiting the use for hostile purposes of disease-spreading microbes which may be bacteria or viruses or other microbial agents such as rickettsiae, which come somewhere between the two. However, it is possible to envisage the use in war of biological agents which are not microbes: hookworm, for instance, or the bilharzia worm, or even crop-destroying insects such as locusts or Colorado beetles. We have therefore tried to find a definition which includes all possible agents. Incidentally, I know that the wording of this article may seem clumsy, but if it read "... never in any circumstances to engage in biological methods of warfare, by making use ...", that might give the impression that there were other ways of engaging in biological methods of warfare that were permitted.

20. Since the aim of the draft convention is to outlaw biological warfare completely, article I is so framed as to prohibit the use of biological methods of warfare even in self-defence. But article II, which extends the prohibition on use to cover also

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production, possession and acquisition of biological agents for hostile purposes, as well as research work aimed at such production, does not seek to prohibit the right of any party to develop a passive defensive capability against biological warfare. That is to say, nothing in the convention prohibits, for instance, work on developing vaccines for defensive purposes, or the production of protective and warning devices.

21. As I have pointed out before to the Committee, verification, in the sense in which that term is normally used in disarmament negotiations, is simply not possible in the field of biological warfare. The agents which might be used for hostile purposes are generally indistinguishable from those which are needed for peaceful medical purposes, and militarily significant quantities of a biological warfare agent could be produced clandestinely in a building the size of a small house or large garage. We have therefore made provision in article III of the draft convention and in the draft resolution for a complaints procedure under which complaints by a party that biological methods of warfare had been used against it would be addressed to the United Nations Secretary-General, who, it is envisaged, would have standing authority from the Security Council to investigate such complaints immediately and report his findings to the Security Council. Other complaints, for example about production and possession and about use against another party, would be addressed to the Security Council itself, which would then, if it saw fit, authorize the Secretary-General to carry out an investigation and report back.

22. It is of course desirable that investigation of all complaints should proceed as quickly as possible in order to strengthen the deterrent effect of such machinery. Quick and automatic investigation should be possible where a party alleges that biological methods of warfare have been used against it, because in that case the complainant would provide all the facilities for carrying out an investigation. In other cases, facilities for carrying out investigations would have to be provided by parties who might well object to doing so. In those circumstances it would not be possible to have automatic investigation.

23. If I may revert for a moment to article II(a)(i), people might ask whether it would not be preferable to specify what types and quantities of biological agents are consistent with the criterion of independent peaceful justification. However, given the vast number of such agents and the infinite variety of individual requirements, that would, I fear, be quite impracticable. But types and quantities would be

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extremely relevant to any investigation of a complaint that article II of the convention had been breached. The investigating body would establish the types and quantities that were in production and report the justification for that production offered by the State concerned. It would then be for the Security Council, and indeed for individual parties, to decide whether the justification was adequate and to act accordingly.

24. As a further deterrent against infringement, parties would affirm their intention, under article IV, to provide or support appropriate assistance, in accordance with the United Nations Charter, to any party against which biological methods of warfare had been used. This question of security assurances is a difficult one, as we have found in other contexts, and I shall now make only two points. The first is that we are not, as in the non-proliferation Treaty, dealing with weapons which some countries have and are going to keep but which other countries do not have and are not going to acquire. Under the non-proliferation Treaty the nuclear-weapon States will have a particular responsibility for the security requirements of the non-nuclear-weapon States, but under this draft convention all parties would be equal and would have an equal responsibility in the security field. My second point is that the obligation on parties ~~would not~~ be simply to seek action by the Security Council. It would be an obligation -- or rather an affirmation of intention -- to take some kind of action themselves in accordance with the Charter to assist the victim, rather than an obligation to take action against the aggressor -- though of course the Security Council might decide that the latter was called for too.

25. I have already referred to article V of the draft convention, and there is little more that I need say about it at the moment. Let me only add that, if it is possible -- as I hope and believe it is possible -- to achieve the early and complete prohibition of biological methods of warfare, this will create a favourable climate for examining further the possibility of achieving far-reaching measures of arms control and disarmament in the field of chemical warfare. Much of the preparatory work that will be needed to bring about an effective prohibition of biological methods of warfare on the lines we have suggested -- for instance, work on methods of investigating complaints of infringements of any convention -- might well be of great use when the problem of chemical weapons is tackled.

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26. Articles VII, VIII and X of the draft convention have been left blank for the moment, as I feel it is important to concentrate on the substantive issues at this stage. We have no firm views ourselves as yet on what the entry-into-force provisions should be, and we would welcome suggestions. Article IX is based on article IV of the 1963 partial test-ban Treaty (ENDC/100/Rev.1) as far as duration is concerned, and on article X of the non-proliferation Treaty as far as the right of withdrawal is concerned.

27. The draft Security Council resolution is complementary to the draft convention. Its purpose is, first, to authorize the United Nations Secretary-General to establish the machinery required for the investigation of a complaint by a State that biological methods of warfare have been used against it; and secondly, to provide as much assurance as possible that complaints would be investigated and that the Security Council would take appropriate action if the investigation showed the complaint to be well founded. We have not attempted to indicate the kind of machinery which the Secretary-General might set up in order to investigate complaints. We have naturally considered that, but would welcome the views of other delegations before putting forward firm proposals. What we are proposing is something entirely new, and we think it important that careful consideration should be given, on an international basis, to the form the machinery might take. The Secretary-General might, for example, decide at the appropriate time to set up a working party to examine this requirement.

28. It is now almost a year since I first proposed in this Committee that, having concluded the non-proliferation Treaty, we should give urgent attention to the problems of chemical and biological warfare (ENDC/PV.381, paras. 87 et seq.). I confess to some disappointment that we have not made greater progress. However, now that we have the report of the Secretary-General, which fully justifies the initiative of this Committee in asking for this work to be done, we must take urgent action to begin to implement it. Not only is it important that we deal with these matters because of the dangers inherent in the use of such methods of war; it is equally important that we do so in the wider context of progress towards general and complete disarmament. I agree very strongly with the penultimate paragraph of the report:

"The momentum of the arms race would clearly decrease if the production of these weapons were effectively and unconditionally banned. Their use, which could cause an enormous loss of human life, has already been condemned and prohibited by international agreements, in particular the Geneva Protocol of 1925, and, more recently, in resolutions of the General Assembly of the United

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Nations. The prospects for general and complete disarmament under effective international control, and hence for peace throughout the world, would brighten significantly if the development, production and stockpiling of chemical and bacteriological (biological) agents intended for purposes of war were to end and if they were eliminated from all military arsenals". (A/7575, para. 376)

29. That is the challenge which this Committee must meet. In submitting my draft convention for serious and constructive consideration I fully appreciate that it deals with only part of the problem. But I consider that to make successful progress in this field we must move step by step, as we are seeking to do in the nuclear field, giving priority to measures which seem most likely to produce agreement. The idea that biological weapons could be used deliberately to spread disease generates a universal sense of horror. No country has used such weapons in war, and I know of no one who is prepared publicly to advocate their use. Surely it should not be difficult to obtain agreement on a convention to ban such weapons entirely; and I hope we can agree to present a draft convention to the General Assembly this year. If we do that, I would expect that at our next session we should be able to follow it up with a similar measure covering chemical weapons, so that that could be considered by the General Assembly in 1970.

30. Our final goal with respect to chemical and biological warfare has been well charted by the unanimous report of the experts and has already been endorsed by the Secretary-General. By giving urgent consideration to the preparation of a convention along the lines of the draft I have submitted today we can make a first positive step towards its achievement.

The Conference decided to issue the following communiqué:

"The Conference of the Eighteen-Nation Committee on Disarmament today held its 418th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of Mr. Asakai, representative of Japan.

"A statement was made by the representative of the United Kingdom.

"The representative of the United Kingdom submitted a document containing a draft convention and an accompanying draft Security Council resolution on biological warfare (ENDC/255).

"The next meeting of the Conference will be held on Tuesday, 15 July 1969, at 10.30 a.m."

The meeting rose at 11.10 a.m.

